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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. ³²~~20~~

Application Number: 09/203,672

Filing Date: 12/1/98

Appellant(s): Jiangtao Wen et al.

Peter A. McKenna
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed on 8/18/03 as Paper 31.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

Art Unit: 2613

(2) *Related Appeals and Interferences*

A statement is present identifying that there are no related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that the rejected claims 8-11 and 14 do not stand or fall together is agreed with by the Examiner.

(8) *Claims Appealed*

The copy of the appealed claims contained in the appendix to the brief is incorrect. In the appeal brief, as in Paper 31, claim 8, line 7, “, and” is incorrect. The original amendment, as in Paper 6, claim 8, line 7, “,or” is correct.

Art Unit: 2613

(9) *Prior art of record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

6,097,842

Suzuki et al

8/1/2000

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 8-11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al (6,097,842).

Regarding claim 8, Suzuki et al disclose a method for use in a system comprising the steps of: generating an extended code (COD) field representing a coding state of the information (Fig. 40A, COD); and including in the extended code field, a bit stream indicating whether both a motion vector and the DCT value being not encoded (Col. 33, lines 54-60), whether both the motion vector and the DCT value are encoded (Col. 35, lines 1-8), or whether only the motion vector is encoded (Col. 34, lines 31-40 and Col. 35, lines 1-3).

Regarding claim 9, Suzuki discloses COD field comprising at least two bits (Col. 35, lines 1-8).

Regarding claim 10, the Examiner takes official notice that H.263 or MPEG-4 encoding standards are well known in the art. Furthermore, Suzuki discloses H.263 encoding standards (Col. 34, line 35).

Regarding claim 11, Suzuki discloses the code field having a bit value "00" indicating neither the MV nor the DCT value are encoded, a bit value "11" indicating both the MV and the DCT value are encoded (Col. 35, lines 3-8), and a bit value "10" indicating only the MV is encoded. Therefore, it is considered obvious to simply inter-change a bit value to another assigned bit value. Furthermore, this claimed limitation is considered a non-critical feature because the bit values are functioning as a simple label.

Art Unit: 2613

Regarding claim 14, it is considered an inherently well known feature to encode only MV when motion of an image is constant in order to reduce bits required for coding video frames.

(11) *Response to Argument*

Appellant's arguments filed on 8/18/03 in the brief of Paper 31 have been fully considered but they are not persuasive. The Appellants present arguments contending the Examiner's rejection of claims 8-11 and 14 under 35 U.S.C. 102(e) as being anticipated by Suzuki et al as was previously set forth in the last Office action on 11/30/2000 as Paper 11.

Further, the Appellants present arguments of which Suzuki et al does not disclose or teach generating an extended code field (COD), which includes: A) indicating whether both a motion vector (MV) and a discrete cosine transform (DCT) are not encoded and B) indicating whether both the MV and the DCT are encoded, or whether only the MV is encoded (page 7, lines 15-18) as recited in claim 8; C) the COD field having a bit values of "11" ... "00" ... and "01" as recited in dependent claim 11; and D) information is encoded by using only MV, when motion of an image is constant as recited in claim 14. However, after careful consideration of the arguments presented, the Examiner must respectively disagree for the reasons that follow and submit to the board that the rejection be sustained.

Regarding argument A), Suzuki clearly discloses that if the COD field is 1, there is no data to be transmitted for the macroblock, so that data subsequent to the I-flag is not transmitted (col. 33, lines 61-63). In other words, both a motion vector (MV) and a discrete cosine transform (DCT) are not encoded.

Regarding argument B), quite opposite to COD 1, Suzuki clearly discloses that if ac components other than 0 are present in the DCT coefficients of the I or P picture, the COD flag becomes 0, and the subsequent data may be transmitted (col. 33, lines 63-66). In other words, both a motion vector (MV) and a discrete cosine transform (DCT) are encoded.

Art Unit: 2613

Furthermore, since claim 8 recites "... MV and the DCT are encoded or whether only the MV is encoded.", the latter part of only the MV is encoded does not have to be met since the MV and the DCT being encoded are met.

Furthermore, the Examiner notes that COD in parenthesis in claim 8 is not given much patentable weight.

Regarding argument C), it is indeed true that Suzuki's COD field contains only 1 bit. Further, the Examiner notes that the claimed limitation "(COD)" is not entirely same as Suzuki's COD. Furthermore, the Suzuki incorporates both the COD (Fig. 40A) and the MODB field codes (Fig. 40B) as extended code fields to meet the Appellant's extended field codes (COD) having at least two bits. Suzuki also discloses the extended code field "00" indicating neither the MV nor the DCT values being encoded, a bit value "11" indicating both the MV and the DCT value are encoded, and a bit value "10" indicating only the MV is encoded (col. 35, lines 3-8).

Therefore, it's quite clear that not only Suzuki discloses Appellant's extended field code (COD), but also discloses the same concept of the extended field code having two bits in the form of MODB field. In other words, Suzuki's reference teaches Appellant's extended field codes and its concepts (methods). Appellants incorporate the extended field code (COD) having two bits, while Suzuki's reference have the substantially the same extended field code (COD) having one bit in combination with MODB field codes as having two bits, but the results are substantially identical. Furthermore, Appellants argument about rejection of claim 11 being improper because Suzuki et al does not disclose each and every element as set forth in the claim, the Examiner responds that this claimed limitation is considered a none critical feature because it simply is a matter of choosing a label (bit value) among labels. Appellant's claimed representing bit values of "11", "00", and "01", are met in Suzuki's bit values as "00", "11", and "10", respectively, and all of the functions of the bit values (labels) are identical between the Appellant's and Suzuki's's bit values.

Art Unit: 2613

Moreover, the Examiner could easily have rejected this claim under 35 U.S.C. 103(a) as being unpatentable (obviousness) over Suzuki et al, but, felt not necessary at the time because Suzuki et al met all of the limitations having patentable subject matter (weight) in dependent claim 11.

Regarding argument D), Suzuki discloses that in a case for P-VOP, if COD flag is set to 1, it may treat the macroblock as a 'P(inter)' macroblock with the MV for the whole macroblock equal to zero and with no coefficient data (col. 34, lines 10-14). In other words, there is a zero MV, meaning it hasn't moved (motion of an image is constant), but it still is a MV, nonetheless. Therefore, the information is encoded by using only MV (in Suzuki's case 0 MV), when motion of an image is constant, since there are no coefficient data (DCT). Therefore, the claim 14 limitation has been met.

Furthermore, the Appellants made assert that MODB field to Suzuki's COD is improper because a two bit MODB specifies certain characteristics of a macro-block of a B-picture, and a one bit COD specifies certain characteristics of a macro-block of a I-picture or P-picture. However, the Examiner disagrees in that the above specifications of certain characteristics of a macro-block of a I-picture, B-picture, or P-picture have not been presented in the claims. Therefore, the argument is considered moot.

Henceforth, the Examiner contends that Suzuki et al discloses substantially all of the limitations in claims 8-11 and 14, incorporating the extended code fields (COD and MODB). Moreover, the Examiner believes generating an extended code field has far more patentable weight than simply calling it a (COD). The Examiner further believes that an abbreviated term such as COD, MODB, or any other suitable terms in parenthesis, could easily be represented as a standard term or as a non-standard term as appropriate. Therefore, as long as the extended code field representing its coding state of the information, and it's limitations are met, the abbreviated terms associated with the extended code field should be considered Appellant's equivalent terms.

For the reasons discussed above, it is believed that the rejection should be sustained.

Art Unit: 2613

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December 20, 2001

Application/Control Number: 09/203,672

Page 8

Art Unit: 2613

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